

HAZARDOUS WASTE TIERED PERMITTING COMPLIANCE REFERENCE

This reference contains a brief description of laws and regulations as they apply to Conditionally Exempt, Conditionally Authorized, and Permit by Rule tiered permit facilities in the state of California. This reference document was created to supplement the Los Angeles County CUPA's Tiered Permitting Inspection Report. Item numbers on this document correspond to the Inspection Report.

Legal references

Chap. 6.5 Health and Safety Code, Div. 20 (HSC)
Title 22 California Code of Regulations, Div. 4.5(CCR)
Los Angeles County Code (CO ORD)

Internet addresses

www.leginfo.ca.gov/calaw.html
www.calregs.com

CESQT: Conditionally Exempt – Small Quantity (*treat less than 55 gallons or 500 pounds in a calendar month*)
CEL: Conditionally Exempt – Limited (*oil/water separators*)
CESW: Conditionally Exempt – Specified Wastes (*containers, neutralizing, resins, drying, gravity with floc, magnetic separation*)
CA: Conditionally Authorized (*less than 750 ppm, 5,000 gallons, or 45,000 pounds in a month*)
PBR: Permit by Rule (*non-RCRA or RCRA exempt, on site, in containers or tanks*)

ALL HAZARDOUS WASTE TREATMENT FACILITIES

| <u>Item No.</u> | <u>Code Section</u> | <u>Description</u> |
|-----------------|---|---|
| 100. | HSC 25201.5 [CE] HSC 25200.3 [CA] CCR 67450.11 [PBR] | Eligibility - Determine eligibility for the tiered permitting program. See Attachment A for details. |
| 101. | CO ORD 12.50.075 12.50.115 | Unified Program Permit – Every person, business, or business concern within the jurisdiction of the Los Angeles County Certified Unified Program Agency (LACoCUPA) and subject to the requirements of the tiered permitting program element shall be required to obtain annually from the LACoCUPA a unified program facility permit for the tiered permitting program element applicable to such facility. |
| | HSC 25201.5(d)(7) [CE] 25200.3(e)(1) [CA] CCR 67450.2(b) and 67450.3(c) [PBR] | Notification - The generator shall complete and submit a notification to the LACoCUPA at least 60 days before start of treatment operation. This includes the following Unified Program (UP) forms: <ul style="list-style-type: none"> <input type="checkbox"/> Business Activities page; <input type="checkbox"/> Business Owner/Operator Identification page; <input type="checkbox"/> Onsite Hazardous Waste Treatment Notification - Facility page; <input type="checkbox"/> Onsite Hazardous Waste Treatment Notification - Unit Page and attachments; <input type="checkbox"/> Certification of Financial Assurance for PBR and CA Onsite Treatment facilities. |

- 102.** HSC
25201.5(i)
[CE]
- HSC
25200.3(k)
[CA]
- CCR
67450.3(c)(2)
[PBR]
- 103.** HSC
25201.5(d)(9)
[CE]
- HSC
25200.3(f)
[CA]
- CCR 66265.13 as
referenced by
67450.3(c) (9)(A)
[PBR]
- 104.** HSC
25201.5(a)
[CE]
- HSC
25200.3(a)
[CA]
- CCR
67450.11
as referenced by
67450.3(c)(4)
[PBR]
- 105.** HSC
25201.5(d)(4,5)
[CE]
- HSC
25200.3(c)(5)
[CA]
- CCR
66265.15 (b) as
referenced by
67450.3(c)(8)(B)
[PBR]
- Notification changes reported** - An amended notification must be submitted to the CUPA within 30 days of any change in operation that necessitates revision. PBR facilities must also submit notification and all related documents to the CUPA annually.
- TP unit verification** – sample at appropriate sample points, analyze for applicable tier parameters. See Attachments B and C for details.
- Eligible wastes and processes** - Types of waste and treatment methods must be appropriate for the tier being reported. See Attachment D.
- Inspection schedule and log (CA and CE)** - The generator must prepare and maintain onsite:
- ☐ A written inspection schedule;
 - ☐ A log of inspections conducted.
- Inspection schedule and log (PBR)** - The generator must develop and implement a written inspection schedule for inspecting all monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment (such as dikes and sump pumps) that are important to preventing, detecting, or responding to environmental or human health hazards.

The inspection schedule must indicate the types of problems to be looked for (e.g. inoperative pump, leaking fitting, eroding dike, etc.).

The inspection schedule must indicate the frequency of inspection. The frequency may vary for the items on the schedule and should be based on the probability of an incident occurring. Areas subject to spills, such as loading and unloading areas, shall be inspected daily when in use. At a minimum, the inspection schedule shall include the following items (if applicable):

Container storage areas – inspect weekly (66265.174):

- ☐ Inspect for leaking or deteriorating containers.

Tank systems – inspect daily(66265.195):

- ☐ Inspect daily overflow/spill control equipment (e.g., waste-feed cutoff systems, bypass systems, and drainage systems) to ensure that it is in good working order;
- ☐ Inspect daily the aboveground portions of the tank system for corrosion or leaks;

- ☐ Review daily data gathered from monitoring equipment and leak detection equipment, (e.g., pressure and temperature gauges, monitoring wells) to ensure that the tank system is being operated according to its design;
- ☐ Inspect daily the area surrounding the tank system, including secondary containment structures, to detect erosion or signs of releases (e.g., wet spots, dead vegetation);
- ☐ Inspect daily the level of waste in uncovered tanks to ensure sufficient freeboard;
- ☐ Inspect cathodic protection systems annually. Inspect sources of impressed current bimonthly.

Note: The inspection items listed above are for the more commonly encountered treatment equipment (tanks and containers). Other regulations may apply depending on the type of treatment system used (e.g., waste piles, air emission standards). To reference these items, see CCR66265.15(b)(4).

Inspection log records must include:

- ☐ Date and time of the inspection;
- ☐ Name of the inspector;
- ☐ Observations made during the inspection;
- ☐ Date and nature of any repairs or remedial action.
- ☐ Inspection records must be retained for a period of three years

106. HSC
25201.5(d)(9);
(e)(1)
[CE]

HSC
25200.3(c)(4)
[CA]

CCR
67450.3(c)(9)(E)
and (F)
[PBR]

Tank and container management standards –

Note: The following are general requirements. There are specific requirements pertaining to SQG, LQG, tier type, type of waste (i.e., RCRA), and age of tanks. See Tank Systems Guidance Document (Attachment E).

Meet generator container management standards:

- ☐ Storage time limits;
- ☐ Closed;
- ☐ Labeled;
- ☐ Compatibility;
- ☐ Inspected weekly;
- ☐ In good condition.

Meet tank management standards:

- ☐ Either secondary containment or integrity assessments;
- ☐ Storage time limits;
- ☐ Labeled;
- ☐ Compatibility;
- ☐ Inspected daily;
- ☐ In good condition.

107.

Other violations – see page 8

CONDITIONALLY EXEMPT/CONDITIONALLY AUTHORIZED

110. HSC
25201.5(d)(3,5)
[CE]

HSC
25200.3(c)(6,7)
[CA]

Operating instructions/records

For CE:

The generator must prepare and maintain written operating instructions.

The generator must keep a record of the dates, amounts, and types of wastes treated. This record must be maintained onsite for a minimum of three years.

For CA:

The generator must prepare and maintain written operating instructions. The instructions shall include directions on:

- ☐ How to operate the treatment unit(s) and carry out waste treatment;
- ☐ How to recognize potential and actual process upsets and respond to them;
- ☐ When to implement the Contingency Plan;
- ☐ How to determine if the treatment has been effective;
- ☐ How to manage residuals of waste treatment.

The generator must keep a record of the dates, concentrations, amounts and types of wastes treated. This record must be maintained onsite for a minimum of five years.

111. CCR
66265.191
as referenced by

HSC
25201.5(e)(1)
[CE]

HSC
25200.3(c)(4) (A)
[CA]

Ancillary equipment – Secondary containment is not required for ancillary tank or container equipment if, every 2 years, an independent certified professional engineer reviews and certifies a written assessment attesting to the equipment's integrity.

112. HSC
25201.5(d)(8)
[CE]

HSC
25200.3(g)
[CA]

Closure - Upon terminating operation of the treatment unit, the generator must:

- ☐ Remove or decontaminate equipment, waste residues, containment systems, soils and structures.
- ☐ Submit a written notification to the CUPA and DTSC after all closure requirements are met.

CONDITIONALLY AUTHORIZED/PERMIT BY RULE

120. HSC
25200.3(c)(1)
[CA]

CCR
66265.14 as
referenced by
67450.3(c)(9)(A)
[PBR]

Security – If a facility cannot demonstrate that unauthorized entry could cause injury or a violation, the following must be provided:

- ☐ A 24-hour surveillance system which continuously monitors and controls entry onto the facility or artificial/natural barrier which controls entry onto the facility.
- ☐ Signs stating, "DANGER HAZARDOUS WASTE AREA - UNAUTHORIZED PERSONNEL KEEP OUT," or equivalent.

121. CCR
67450.3(c)(9)
[PBR]

HSC25200.3(c)(4)
[CA]

Secondary containment –

Note: The following are general requirements. See the Tank System Guidance Document for additional specific information and applicability.

Secondary containment is required for most tank systems. It must:

- ☐ Be free of leaks and/or cracks;
- ☐ Be of sufficient capacity to contain precipitation from at least a 24-hour, 25-year storm, plus 10% of the aggregate volume of all containers or the volume of the largest container, whichever is greater;
- ☐ Protect containers from contact with accumulated liquid.

Integrity testing - Tank systems that do not have secondary containment must be integrity tested. A written integrity assessment certified by registered professional engineer shall be kept on file at the facility.

Containment – Spills, leaks, or accumulated liquids must be removed from the containment area

within 24 hours.

- 122.** HSC
25200.3(c)(3)
[CA]

HSC
25200.14(b)(1)
[CA and PBR]

CCR
67450.3(c)(8)(H)
[PBR]

CCR
67450.7
[PBR]
- Phase I assessment** – The owner/operator of the facility must complete and file a Phase I environmental assessment within one year of receiving the permit. Any update must be filed during the next regular reporting period. DTSC Form 1151 “Phase I Environmental Checklist” may be used to fulfill this requirement.
(Exceptions: This requirement does not apply to a facility that conducted or is conducting a site assessment in accordance with an order issued by a state or federal law enforcement agency, or conducting an assessment for other purposes within three years prior to the submittal date.)
- 123.** CCR
67450.13(a) [CA]
[PBR]
- Financial assurance** - Financial assurance must be provided as follows:
- ☐ The facility must prepare a written estimate of the cost of closing the unit;
 - ☐ The closure cost estimate must be adjusted for inflation by March 1 of each year;
 - ☐ The closure cost estimate must be revised whenever a change occurs that increases the cost of closure
 - ☐ Financial assurance for closure for each treatment unit must be obtained through one or more of the following methods:
 - ☐ Closure trust fund;
 - ☐ Surety bond guaranteeing payment into a closure trust fund;
 - ☐ Closure letter of credit;
 - ☐ Closure insurance;
 - ☐ Financial test and corporate guarantee for closure;
 - ☐ Alternative financial mechanism for closure costs;
 - ☐ Self-Certification, if the closure cost estimate is less than \$10,000 [67450.13(d)].
 - ☐ A copy of the latest closure cost estimate and adjusted estimate must be maintained at the facility during the operating life of the facility.
- 124.** CCR
67450.13(a)(2)
[CA] [PBR]
- Closure cost adjustment** – The closure cost must be adjusted by March 1 of each year by using an inflation factor derived from the annual Implicit Price Deflator for the Gross National Product as published by the U.S. Department of Commerce. LACoCUPA makes this a part of the Annual Notification renewal package.

PERMIT BY RULE

- 130.** CCR
67450.3(c)(7)
[PBR]
- Marking** - The exterior of each treatment unit must be marked with:
- ☐ The name of the person/facility (i.e. legal entity) that owns the tank/unit;
 - ☐ The facility’s EPA ID number;
 - ☐ The tank/unit’s individual serial number.
- 131.** CCR
67450.2(b)(3)(G)
[PBR]
- Written operating instructions for PBR** – This requirement for PBR can be met by providing the following information on the Notification-Unit Page:
- ☐ Identification of the waste treatment processes to be used;
 - ☐ The quantity of influent waste;
 - ☐ The quantity of treatment effluent and disposition of residuals;
 - ☐ A description of how the treatment unit operates (continuous, batch, intermittent);
 - ☐ The hours of operation.
- 132.** CCR 66265.13(b)
- Waste analysis plan** - A written waste analysis plan must be developed and implemented. At a

as referenced by
67450.3(c)(8)(A)
[PBR]

minimum, the plan must containing the following information:

- ☐ Parameters to be analyzed and rationale for selection of those parameters;
- ☐ Test methods to be used in the analyses,
- ☐ Sampling methods to be used to obtain a representative sample;
- ☐ Frequency of analysis.

- 133.** CCR
67450.3(c)(1)
[PBR] **Annual notification forms** – Form packages are sent out by LACoCUPA by March 15 of each year. These forms include: Business Owner/Operator; Business Activities; Onsite Hazardous Waste Treatment Notification (Facility and Unit); and Certification of Financial Assurance (closure cost adjustment – see #124).
- 134.** CCR
67450.3(c)(10)
[PBR] **Annual report** – Facilities must submit an annual report *when it is requested* by the LACoCUPA. The following information must be included for each unit:
- ☐ The quantity of wastes treated;
 - ☐ The composition of the wastes;
 - ☐ Treatment method
 - ☐ The quantity and composition of waste discharged to the POTW
 - ☐ The hazard characteristics and disposition of residual waste
- Note: LACoCUPA does not require annual submittals. This will be required if the inspector requests it.*
- 135.** CCR
67450.3(c)(11)(B)
67450.3(c)(8)(G)
[PBR] **Closure -** The facility must have a written closure plan which includes:
- ☐ A description of how and when each unit will be closed;
 - ☐ An estimate of maximum inventory of waste in storage and in treatment at any time during the operation of the unit;
 - ☐ Procedures for decontamination of equipment;
 - ☐ Expected year of closure;
 - ☐ Estimated time required to close each unit.
- The plan must be kept on-site and available for review upon inspection.
- 136.** CCR
67450.3(c)(11)
(D)
[PBR] **Closure** - All hazardous waste must be removed within 90 days after last waste treatment.
- 137.** CCR
67450.3(c)(11)
(E)
[PBR] **Closure** - All closure activities must be completed within 180 days after treating the final volume of hazardous waste. This time restriction can be extended – see regulation for provisions.
- 138.** CCR
67450.3(c)(11)
(F)
[PBR] **Closure** - The CUPA and must be notified at least 15 days prior to completion of closure.
- 139.** CCR
67450.3(c)(11)
(G)
[PBR] **Closure** - After completion of closure, a certification signed by the owner or operator and by an independent professional engineer (registered in California) must be submitted. This certification must state that the closure has been completed in accordance with the closure plan, and that the closure plan meets or exceeds the regulatory requirements.

| OTHER VIOLATIONS (107) | | |
|------------------------|-----------------------|---|
| | | |
| A. | HSC25201 | Non-notifiers – cyanide treatment – Submit completed Cyanide Consent Order Form to DTSC. |
| B. | CCR 66262.34(a)(4) | Releases – Unauthorized or accidental releases, past three years. |